

COLORADO STATE BOARD OF PHARMACY
January 19, 2012

Minutes

The Colorado State Board of Pharmacy meeting was convened by President Jeannine Dickerhofe, R.Ph., at approximately 8:39 a.m. on Thursday, January 19, 2012 at 1560 Broadway, Conference Room 110 D, Denver, CO 80202. Notice of this meeting was given in accordance with Division of Registrations Policy Number 80-17.

Board members attending were: Mary K. Arceneaux, R.Ph.; Jeannine Dickerhofe, R.Ph.; E. Katherine Edelblut, R.Ph.; Paul Limberis, R.Ph.; Luis A. Rivera-Lleras, R.Ph.; and Averil Strand, R.N.

Staff members attending were: Wendy Anderson, R.Ph., Program Director; Chris Gassen, R.Ph., Chief Inspector; Susan Martin, R.Ph., Inspector; Mark O'Neill, R.Ph., Inspector; Lisa Cornett, R.Ph., Inspector; and Linda Acosta, Complaint and Licensing Specialist. Also present were Jo Kaye, Assistant Attorney General, and Jack Wesoky, Senior Assistant Attorney General, to advise the Board.

APPROVAL OF MINUTES

The Board approved the minutes from the December 12, 2011 and December 16, 2011 meetings as amended.

REPORTS

President's Remarks

Ms. Dickerhofe thanked both Ms. Strand and Ms. Edelblut for their continued service to the Board as it waits for the appointment of new members.

Program Director's Report

Ms. Anderson presented the Board with a memorandum regarding the annual designation of Board meeting notices. The Board voted unanimously to designate the Division of Registrations' reception area and the internet as being the appropriate venues to post public notices of the Board's meetings for 2012.

Ms. Anderson requested that the Board provide her with topics to discuss at its February 16, 2012 annual planning meeting. The Board asked that the topics of prescription delivery and Continuing Professional Development (CPD) be discussed at that meeting.

Ms. Anderson informed the Board that on January 5, 2012, the Colorado Court of Appeals affirmed the Board's decision in Case 2009-3566 to deny Loren Priem's pharmacy intern application.

Colorado Pharmacists Society (CPS) – Paul Limberis, RPh

The 2012 CPS Winter Continuing Education (CE) Seminar was held on January 8-11, 2012 at the Westin Riverfront in Avon, Colorado where 15 hours of CE were provided. This was the 20th anniversary of this event, and a record number of pharmacists, exhibitors and pharmacy students participated. Planning has already begun for the 2013 CPS Winter CE Seminar to be held on January 13-16, 2013 at the Vail Cascade Resort in Vail, Colorado.

The CPS Legislative Committee and the CPS Academy of Consultant Pharmacists have been actively involved in drafting proposed amendments to the Pharmacy Sunset bill, and will be lobbying and testifying throughout the Pharmacy Sunset process.

The CPS Annual Summer Meeting and Fall Meeting are being combined into one 2012 CPS Annual Meeting and Exhibition to be held on May 3-5, 2012 at the Cheyenne Mountain Resort in Colorado Springs, Colorado. Twelve hours of CE will be offered in dual tracks for health-system and community retail pharmacists.

Governor's Expert Emergency Epidemic Response Committee (GEEERC) – Paul Limberis, RPh

No report was provided. The next meeting of the GEEERC is scheduled for February 9, 2012.

Intern & School Relations – Jeannine Dickerhofe, RPh

Dr. Catherine Jarvis, Assistant Dean of the University of Colorado Denver School of Pharmacy, reported that out of approximately 900 applicants, the school accepted 160 students into its next incoming class.

Dr. Marianne McCollum, Interim Dean of the Regis University School of Pharmacy, reported that Rod Carter will be the new dean of the school effective July 1, 2012. Dr. McCollum further reported that Regis University's next site visit by Accreditation Council for Pharmacy Education (ACPE) surveyors is scheduled for March 2012, and that the school's fourth class is scheduled to begin an advanced pharmacy practice experiential training program in May 2012.

Legislation - Jeannine Dickerhofe, RPh

Ms. Dickerhofe reported that the Pharmacy Sunset bill will be presented and reviewed on January 24, 2012 before the Colorado House of Representative's Health and Environment Committee, and Representative Ken Summers will be the bill's sponsor.

Inspectors

Review of Board Rule 13.00.00 (Declaratory Orders)

The Board reviewed an Agenda Memorandum from Mr. Gassen regarding a periodic review of Board Rule 13.00.00 regarding declaratory orders and, after due consideration of the available information, voted unanimously not to amend this rule at this time.

Walgreen Pharmacy # 2843, PDO 199

The Board reviewed an Agenda Memorandum from Ms. Martin regarding the time frame to report controlled substance losses to the Board by Walgreen Pharmacy # 2843.

After careful consideration of the available information, the Board directed its staff to notify Walgreen Pharmacy # 2843 that CRS 12-22-318(5.5) requires prescription drug outlets to report thefts or losses of controlled substances to the Board within 30 days after the occurrence of such thefts or losses.

Affirmative Responses to Background Questions on Pharmacist License Renewal Applications

The Board reviewed an Agenda Memorandum from Mr. Gassen regarding affirmative responses to background questions on pharmacist license renewal applications and, after careful consideration of the available information, voted unanimously to refer the matter to Executive Session for legal advice.

After Executive Session, the Board voted unanimously, by separate motions, to:

- Open a case against Dan Valentine (RPH 12002) and to dismiss the matter. The Board found that there was no reasonable cause to warrant further action at this time;
- Open a case against Walter Jorgensen (RPH 10429) and to dismiss the matter. The Board found that there was no reasonable cause to warrant further action at this time;
- Open a case against Kymberly Sanchez (RPH 18913) and to dismiss the matter. The Board found that there was no reasonable cause to warrant further action at this time;
- Open a case against Stacie Stahl (RPH 18206) and to dismiss the matter. The Board found that there was no reasonable cause to warrant further action at this time;
- Open a case against Michael Lemley (RPH 9572) and to dismiss the matter. The Board found that there was no reasonable cause to warrant further action at this time;
- Open a case against Pierre Gamache (RPH 11841) and to dismiss the matter. The Board found that there was no reasonable cause to warrant further action at this time; and
- Send a letter to the licensees, who had identified that they were not able to practice pharmacy with reasonable skill and safety, directing them not to practice pharmacy until released to do so by their respective treatment providers.

Littleton Adventist Hospital Pharmacy, PDO 79-12

The Board reviewed an Agenda Memorandum from Ms. Cornett regarding a routine inspection of Littleton Adventist Hospital Pharmacy.

After due consideration of the available information, the Board voted unanimously to initiate separate complaints against Littleton Adventist Hospital Pharmacy's prescription drug outlet registration and the pharmacist manager Robert Rosenthal's (RPH 16989).

Technician Ratios and Duties

Mary K. Arceneaux, R.Ph. recused.

The Board reviewed an Agenda Memorandum from Ms. Martin regarding the delivery of prescriptions and pharmacy technician to pharmacist ratios in a pharmacy. After due consideration of the available information, the Board voted unanimously to refer this matter to Executive Session for legal advice.

After Executive Session, the Board voted unanimously to review the matter, as it pertains to the delivery of prescriptions in pharmacies, at the Board's annual planning meeting on February 16, 2012.

OLD BUSINESS

Stipulations

David W. Heimke, RPH 8789 & Case 2010-1117

The Board reviewed an Agenda Memorandum from Ms. Acosta regarding Mr. Heimke's Stipulation and Final Agency Order he entered into with the Board and, after careful consideration of the available information, voted unanimously not to take action.

Cameron Stryker, RPH 14159

The Board reviewed an Agenda Memorandum from Mr. Gassen regarding Mr. Stryker's Second Stipulation and Final Agency Order he entered into with the Board and, after due consideration of the available information, voted unanimously to refer the matter to Executive Session.

After Executive Session, the Board found that the public health, safety, or welfare imperatively required emergency action and voted unanimously to summarily suspend Mr. Stryker's pharmacist license should he fail to enter into an interim cessation of practice agreement with the Board or relinquish his pharmacist license within ten business days.

Brendan J. Ricklefs, RPH 17609 & Case 2010-2951

The Board reviewed a request by Mr. Ricklefs for an extension of time to take and pass the Multistate Jurisprudence Examination (MPJE) and to complete the Professional and Problem Based Ethics (ProBE) Course.

After careful consideration of the available information, the Board voted unanimously to grant an extension until December 31, 2012 to complete and pass both the ProBE and MPJE. The Board stated that it would give no additional time extensions.

David Yang, RPH 17421 & Case 2010-0961

The Board reviewed an Agenda Memorandum from Mr. Gassen regarding Mr. Yang and Case 2010-0961 and, after due consideration of the available information, voted unanimously to refer the matter to Executive Session.

NEW BUSINESS

Complaints

Cao, Minhtam T., RPH 16108 **2012-1896**

The Board voted unanimously to refer the case to Executive Session.

After Executive Session, the Board voted unanimously to dismiss the case. The Board found that there was no reasonable cause to warrant further action at this time.

Cardinal Health, PDO 149 **2012-1172**

The Board voted unanimously to refer the case to Executive Session.

After Executive Session, the Board voted unanimously to refer the matter for discipline.

Zolnoske, Shelly A., RPH 17232 **2012-1177**

The Board voted unanimously to refer the case to Executive Session.

After Executive Session, the Board voted unanimously to issue a Letter of Admonition for violations of the Pharmaceuticals and Pharmacists Act.

Chase, Lewis B., RPH 13159 **2012-1470**

The Board voted unanimously to refer the case to Executive Session.

After Executive Session, the Board voted unanimously to dismiss this case as being without merit. However, the Board voted unanimously to send an informative letter reminding Mr. Chase that he does not have prescriptive authority in Board Rule 19.00.00 to prescribe vaccines.

Flanagan, Thomas C., RPH 10523 **2012-1818**

E. Katherine Edelblut, R.Ph. recused.

The Board voted unanimously to issue a Letter of Admonition for violations of the Pharmaceuticals and Pharmacists Act.

Gem Pharmacy, PDO 37-3 **2012-0766**

The Board voted unanimously to refer the case to Executive Session.

After Executive Session, the Board voted unanimously to refer the matter for discipline.

Hemphill, Karyn M., RPH 18033 **2012-1762**

The Board voted unanimously to refer the case to Executive Session.

After Executive Session, the Board voted unanimously to dismiss the case. The Board found that there was no reasonable cause to warrant further action at this time.

Ivywild Pharmacy, PDO 24-19 **2012-1305**

The Board voted unanimously to refer the case to Executive Session.

After Executive Session, the Board voted unanimously to refer the matter for discipline.

Diffendaffer, Rodney, RPH 14639 **2012-1307**

The Board voted unanimously to refer the case to Executive Session.

After Executive Session, the Board voted unanimously to issue a Letter of Admonition for violations of the Pharmaceuticals and Pharmacists Act.

King Soopers Pharmacy # 90, PDO 36-3 **2012-1243**

Mary K. Arceneaux, R.Ph. recused.

The Board voted unanimously to dismiss this case as being without merit.

King Soopers Pharmacy # 10, PDO 7-35 **2012-1357**

Mary K. Arceneaux, R.Ph. recused.

The Board voted unanimously to refer the case to Executive Session.

After Executive Session, the Board voted unanimously to dismiss the case. The Board found that there was no reasonable cause to warrant further action at this time.

Memorial Health System, WHI 6061 **2012-1784**

The Board voted unanimously to dismiss this case as being without merit.

PharmaCare, PDO 830 **2012-1760**

The Board voted unanimously to refer the case to Executive Session.

After Executive Session, the Board voted unanimously to dismiss the case. The Board found that there was no reasonable cause to warrant further action at this time.

Ream's Palace Drug, Inc., PDO 17-4 **2012-0965**

The Board voted unanimously to dismiss this case as being without merit.

Salagovic, Charles E., RPH 16318 **2012-0735**

The Board voted unanimously to dismiss this case as being without merit.

Schroeder, Patricia C., RPH 11686 **2012-1235**

Mary K. Arceneaux, R.Ph. recused.

The Board voted unanimously to refer the case to Executive Session.

After Executive Session, the Board voted unanimously to dismiss this case as being without merit.

Scott, Bradley D., RPH 12323

2012-1837

Mary K. Arceneaux, R.Ph. recused.

The Board voted unanimously to refer the case to Executive Session.

After Executive Session, the Board voted unanimously to order Mr. Scott to obtain an evaluation pursuant to C.R.S. 12-22-605(3) from the Pharmacy Peer Health Assistance Diversion Program.

Stodgell, Sean, RPH 16188

2012-1477

Mary K. Arceneaux, R.Ph. recused.

The Board voted unanimously to dismiss this case as being without merit.

The Apothecary Shoppe, PDO 93-2

2012-1215

Mary K. Arceneaux, R.Ph. recused.

The Board voted unanimously to refer the case to Executive Session.

After Executive Session, the Board voted unanimously to refer the matter for discipline.

Colcord, Don A., RPH 10164

2012-1216

Mary K. Arceneaux, R.Ph. recused.

The Board voted unanimously to refer the case to Executive Session.

After Executive Session, the Board voted unanimously to issue a Letter of Admonition for violations of the Pharmaceuticals and Pharmacists Act.

Uzoeshi, Kyrian, RPH 18472

2012-1515

The Board voted unanimously to issue a Letter of Admonition for violations of the Pharmaceuticals and Pharmacists Act.

Walgreen Pharmacy # 07581, PDO 558

2012-1110

The Board voted unanimously to refer the case to Executive Session.

After Executive Session, the Board voted unanimously to dismiss the case. The Board found that there was no reasonable cause to warrant further action at this time.

Wal-Mart Pharmacy # 10-5051, PDO 56-54

2012-1326

The Board voted unanimously to dismiss this case as being without merit.

Wal-Mart Pharmacy # 10-2729, PDO 44-61

2012-1328

The Board voted unanimously to refer the case to Executive Session.

After Executive Session, the Board voted unanimously to dismiss the case. The Board found that there was no reasonable cause to warrant further action at this time.

LICENSING/REGISTRATION

Celgene Corporation, WHO 7464

The Board reviewed an Agenda Memorandum from Ms. Acosta regarding Celgene Corporation's out-of-state prescription drug wholesaler application for a change in its designated representative and, after careful consideration of the available information, voted unanimously to approve the application.

H.D. Smith Wholesale Drug Company, Out-of-State Prescription Drug Wholesaler Applicant

The Board reviewed an Agenda Memorandum from Ms. Acosta regarding H.D. Smith Wholesale Drug Company's out-of-state prescription drug wholesaler application and, after careful consideration of the available information, voted unanimously to approve the application.

Injured Workers Pharmacy, LLC, OSP 5504

The Board reviewed an Agenda Memorandum from Ms. Acosta regarding Injured Workers Pharmacy's transfer of ownership application and, after careful consideration of the available information, voted unanimously to approve the application.

Edward J. Marcus, Pharmacy Intern Applicant

The Board reviewed an Agenda Memorandum from Mr. Gassen regarding Mr. Marcus' pharmacy intern application and, after due consideration of the available information, voted unanimously to refer the matter to Executive Session.

After Executive Session, the Board voted unanimously to deny the application. Grounds for denial were noted to include, but were not limited to, CRS 12-22-125(1)(b) and (c).

Professional Hospital Supply, Inc., WHI 6033

The Board reviewed an Agenda Memorandum from Mr. Gassen regarding Professional Hospital Supply's in-state prescription drug wholesaler application for a change in its designated representative and, after careful consideration of the available information, voted unanimously to approve the application.

Pro Med, LLC, Out-of-State Prescription Drug Wholesaler Applicant

The Board reviewed an Agenda Memorandum from Ms. Acosta regarding Pro Med's out-of-state prescription drug wholesaler application and, after careful consideration of the available information, voted unanimously to approve the application.

James E. Clausius, Pharmacist License Transfer Applicant

The Board reviewed an Agenda Memorandum from Mr. Gassen regarding Mr. Clausius' pharmacist license transfer application and, after careful consideration of the available information, voted unanimously to approve the application if the final report from Peer Assistance Services states that he is safe to practice pharmacy with reasonable skill and safety.

MISCELLANEOUS

Correspondence, etc.

Walgreen Pharmacy # 07021, PDO 7-71

The Board reviewed an Agenda Memorandum by Mr. Gassen regarding the theft of controlled substances by an assistant store manager and noted the information.

Anonymous Correspondence Regarding Profession of Pharmacy

The Board reviewed correspondence regarding the current working conditions in pharmacy practice and, after due consideration of the available information, voted unanimously to refer the matter to Executive Session for legal advice.

After Executive Session, the Board voted unanimously to review the matter at the Board's annual planning meeting on February 16, 2012.

Dominion-OCC, LLC & Electronic Prescription Drug Monitoring Program Controlled Substance Monitoring Agreement

After careful consideration of the available information, the Board voted unanimously to enter into another agreement with Dominion-OCC for two years.

Anonymous Complaint Dated November 10, 2011

The Board voted unanimously to decline to investigate the complaint.

Anonymous Complaint Dated October 25, 2011

The Board voted unanimously to decline to investigate the complaint.

Anonymous Complaint Dated October 24, 2011

The Board voted unanimously to decline to investigate the complaint.

Request from Kaiser Permanente to Amend Rule 20.00.00 (Central Prescription Processing)

Jeannine Dickerhofe, R.Ph. recused.

After careful consideration of the available information, the Board voted unanimously to direct its staff to present amended language regarding the labeling of prescriptions involved with central prescription processing for its review at a future meeting. However,

the Board tabled further consideration of other proposed amendments to Rule 20.00.00 pending the outcome of possible amendments to the National Association of Boards of Pharmacy's Model Practice Act regarding central prescription processing.

Craig Hospital's Proposal for Smoking Cessation Program

The Board reviewed an Agenda Memorandum from Mr. Gassen regarding Craig Hospital's request to implement a smoking cessation program as part of a drug therapy management protocol under Board Rule 6.00.00 and voted unanimously to refer the matter to Executive Session for legal advice.

After Executive Session, the Board voted unanimously to table further consideration of this matter until it can review the matter again at its February 16, 2012 meeting.

EXECUTIVE SESSION

At 11:25 a.m., Board President Jeannine Dickerhofe, R.Ph. moved that the Board enter into Executive Session.

The motion was seconded. The vote was unanimous with five votes approving the motion to go into Executive Session and none opposing.

The Board exited Executive Session at 3:30 p.m.

Open Session

Case 2012-1097

The Board voted unanimously to dismiss the case. The Board found that there was no reasonable cause to warrant further action at this time.

ADJOURNMENT

The Board adjourned at 3:42 p.m.

Approved by Jeannine Dickerhofe, R.Ph., President Date: March 15, 2012